

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 21-3725

State of Missouri, et al.

Appellees

v.

Joseph R. Biden, Jr., in his official capacity as the President of the United States of America, et al.

Appellants

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Reliant Care Management Company, L.L.C.

Amicus Curiae

American Academy of Family Physicians, et al.

Amici on Behalf of Appellant(s)

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Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis  
(4:21-cv-01329-MTS)

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**ORDER**

**Before LOKEN, BENTON, and KELLY, Circuit Judges**

In November 2021, the Secretary of Health and Human Services (the “Secretary”) issued an interim final rule requiring that participating facilities ensure that their staff are vaccinated against COVID-19 to receive Medicare and Medicaid funding (unless exempt for medical or religious reasons). *See* 86 Fed. Reg. 61555 (2021).

Many states challenged the rule. Two district courts, including the United States District Court for the Eastern District of Missouri, enjoined its enforcement. *See Missouri v. Biden*, No. 4:21-CV-01329-MTS, 2021 WL 5564501 (E.D. Mo. Nov. 29, 2021). The district court ruled that the states were likely to succeed on the merits of their claims that the Secretary lacked statutory authority to issue the rule. *Id.*

The federal government filed an emergency motion in this court to stay the preliminary injunction pending appeal. This court denied the motion.

The federal government petitioned the United States Supreme Court for a stay of the preliminary injunction pending further review by this court. The Supreme Court stayed the preliminary injunction pending the outcome of this appeal. *Biden v. Missouri*, 142 S. Ct. 647 (2022).

Based on the Supreme Court's opinion, this court vacates the preliminary injunction and remands to the district court for a determination of the merits of the State of Missouri's claim for permanent injunctive relief. *See* Fed. R. Civ. P. 65(a)(2).

April 11, 2022

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans